

# ***Connecticut Law Tribune***

## **Indebted To The Public**

*Law school debt burdens hinder state agency staffing*

**By Kellie A. Wagner**

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With private sector law firms cutting back on hiring, Connecticut's public sector agencies have found a willing pool of applicants. But because of escalating law school debt, and because public sector jobs pay much less than private law firms, those agency leaders say they are concerned they'll lose their best lawyers as the economy improves.

"We haven't had trouble getting a good pool of applicants. Many come out of law school with good energy and good intentions," said Steven Eppler-Epstein, deputy director of Connecticut Legal Services. "But when they come out and start living the reality...retention for us becomes the big issue."

On Aug. 8, the American Bar Association released its final report on law student loan burden, noting that skyrocketing law school tuition costs are prompting graduates to forego careers in public service. As one recent law school graduate commented to the ABA, "only money puts food on the table, not good intentions."

In the study, the ABA's Commission on Loan Repayment and Forgiveness noted that 86.4 percent of students in 1999 to 2000 borrowed on average \$77,300 to attend law school, compared to 74.8 percent borrowing an average of \$37,637 just a decade ago. The ABA also said one out of every four students borrowed in excess of \$100,000 in 2000.

From 1985 to 2002, the ABA added, the median public law school tuition for in-state residents increased 516 percent, while out-of state resident tuition jumped 371 percent. The median private law school tuition rose 337 percent during those years.

But median salaries for legal services and government lawyers are not increasing as rapidly as law school tuition rates. For example, the commission notes that in 1985, the median starting salary for government lawyers such as public defenders, prosecutors and others was around \$24,200. In 2002, the median starting salary was reported as \$42,000. In Connecticut, the starting salary for new public defenders and prosecutors is \$46,608.

Compared with an average \$90,000 starting salary in private practice for 2002, most new law graduates are forced to turn away from public interest legal work, the ABA said.

"Yes it is a reality that people have to give up their dream. We do see it all the time," said Diane Ballou, director of career services at Quinnipiac School of Law. "When a student first comes here they are usually very excited about doing public interest work. But the more they move through the system, the debt does influence their decision."

"Student loan debt is definitely an issue for our attorneys," Gerard Smyth, chief public defender, said of some attorneys having to work second jobs to meet financial obligations. "We still receive applications from recent law school graduates, but the size of our applicant pool is down from what it used to be."

According to Steven Sellers, deputy chief state's attorney for personnel, finance and administration, applicants vying for prosecutor positions remain steady.

Attorney General Richard Blumenthal said, "if anything the number of our applications have risen," Blumenthal said of a mix of graduates, and experienced lawyers, consistently applying for work with his office.

Many state agencies have lost lawyers due to layoffs or early retirement and cannot afford to replace staff. As of mid-August, only the Division of Justice was advertising for employment vacancies--with one open attorney slot. There are no open positions for public defenders, legal aid lawyers or assistant attorney generals.

Patricia Kaplan, executive director of New Haven Legal Assistance, said, however, the starting salary for legal aid lawyers--now \$34,500--has always posed a problem for attracting candidates.

"It's extremely difficult, even on moderate law school loans, to [get by] on that kind of salary," Kaplan said. "We have always lost people who wanted to work in legal services."

### **Keeping The Pool Full**

Many attorneys, such as Smyth and Chief State's Attorney Christopher Morano, say they actively support loan forgiveness programs for public interest attorneys.

Both have traveled to Washington, D.C., in support of a bill pending in Congress that would authorize partial forgiveness of federal student loans for prosecutors and public defenders based on years of service.

The ABA noted only eight state bar associations in the country have a formal LRAP for public service lawyers. Only three of those states--Maryland, Minnesota and North Carolina -- receive legislative funding for the programs. The Connecticut Bar Association does not offer any type of loan repayment assistance program

Morano said he often competes with the U.S. Attorney's Office for prosecutors because it offers a loan repayment assistance program, much like the military, for public interest work.

Eppler-Epstein said after seeing graduates with as high as \$1,300 a month in loan payments, CLS began offering a loan repayment assistance program two years ago to help lawyers pay off "exorbitant law school debt."

He said that though the LRAP, legal services lawyers can get up to 50 percent off their law school debt payments on a quarterly basis, as long as they stay employed with CLS.

"It has helped. It makes it a little closer to a survival wage," Eppler-Epstein said. "It also is a good faith gesture toward our new lawyers that we really want them to stay."

In its recent report, the ABA called upon law schools, legislators and bar foundations to develop repayment programs, post-graduate fellowships and public service scholarships.

The ABA noted that only 16 out of 187 ABA-accredited law schools have established scholarship programs for students to pursue careers in public service law. Moreover, only 56 law schools in the country offer loan repayment assistance programs for their graduates.

In Connecticut, only Yale Law School offers such a program for its graduates.